

Meeting Minutes June 2, 2005

Town of Los Altos Hills City Council Regular Meeting

Thursday, June 2, 2005 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor O'Malley called the Regular Meeting of the City Council to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, Public Works Director/City Engineer Henry Louie, Consulting Engineer Dave Ross, Parks and Recreation Supervisor Jimmy Forbis and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to limit the length of time for public comments to three minutes.

Mayor O'Malley announced that the Special Meeting would convene immediately following the conclusion of the Regular City Council meeting.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Appointment to the Finance and Investment Committee

Council had before them an application from Stanley Mok for appointment to the Finance and Investment Committee. Council briefly interviewed Mok and noted that his expertise as a Financial Advisor would be an asset to the Committee.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to appoint Stanley Mok to the Finance and Investment Committee for a term of four years.

2.2 Appointment of Exhibit Curator

Council had before them an application from Ethel Blank for appointment to the position of Town Exhibit Curator. Ms. Blank was unable to attend the meeting. It was noted that she had served in this capacity previously.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to appoint Ethel Blank as the Town Exhibit Curator.

2.3 2005 Los Altos Hills Town Picnic – Roy Woolsey,
Community Relations Chair

Roy Woolsey, Community Relations Committee Chair, presented a status report to Council on the upcoming annual Town Picnic. Woolsey noted that the reservations received to date indicated that this would be the best attended event since the Town began the tradition. He expected approximately 1350 residents or 365 families to attend. Woolsey reviewed the program schedule with Council.

Council thanked Woolsey and his Committee for their efforts in coordinating and hosting this wonderful event.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Commission had not met since the last Council meeting.

He has been working with the City Attorney's office to develop a clear and concise written policy on ex parte discussions for Councilmembers, Planning Commissioners and Standing Committee members. Cahill noted that the policy would be universal in its application.

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to approve the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting May 19, 2005
- 4.2 Review of Disbursements: 5/12/2005 – 5/23/2005 \$349,723.34
- 4.3 Proposed Continued Participation in a Joint Exercise of Powers Agreement and Cooperation Agreement for the County of Santa Clara Community Development Block Grant and Homes Programs for Federal Fiscal Years 2005-2006, 2006-2007 and 2007-2008 Resolution No. 44-05
- 4.4 Approval of an Agreement with Du-All Safety, LLC for the Town's Safety Program Resolution #45-05
- 4.5 Approval of an Agreement with Collection Systems Maintenance Service for Sewer Line Preventative and Emergency Maintenance Resolution No.46-05

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Complete Town Hall On Time and On Budget

5.1.1a TBI Update

Mayor O'Malley thanked Tony Vierra, TBI Construction Management, for the firm's excellent performance in the construction of the new Town Hall. O'Malley noted that the facility was a beautiful, efficient and functional building that was not pretentious or ostentatious.

Tony Vierra thanked the Mayor and reported that the building construction was entering its final stage. The "punch list" was being created and field refinements were ongoing.

Vierra reviewed the change orders, purchase requests and their associated costs with Council that had been agendaized for their consideration. Vierra noted that the final budget reconciliation on the approved March 9, 2005 budget update was in preparation and would be forwarded to the Council in the near future.

5.1.1b Consideration of Proposed Resolution Approving Purchase of New Town Hall Signage and Dedication Plaque

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to adopt Resolution No. 47-05 approving the purchase of new Town Hall signage and the dedication plaque.

5.1.1c Consideration of Proposed Resolution Approving Construction Change Orders and Relocation Invoices for the New Town Hall

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to adopt Resolution No. 48-05 approving construction change orders and relocation invoices.

5.1.1d Consideration of Proposed Resolution Approving Construction of Town Trail at New Town Hall

Mayor Pro Tem Kerr explained that the "Town Trail" associated costs had been included in the Town's Pathways budget.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to adopt Resolution No. 49-05 approving construction of the Town Trail at the New Town Hall.

5.1.1e Draft Protocol for Use of New Town Hall Facilities

Councilmember Mordo requested clarification of the protocol, specifically if insurance should be required for events held by outside organization. City Manager Cassingham explained that the Town was self-insured. Council agreed that the current insurance was sufficient for the type of events that were anticipated for the facility.

City Manager Cassingham reviewed the draft protocol with Council. She noted that it had been prepared by Parks and Recreation Supervisor Jimmy Forbis. It was expected that the protocol would serve as a “sign off” for anyone being issued a key to the facility. This would ensure a familiarity and clear understanding of the protocol by anyone using the new Town Hall. Cassingham added that staff was requesting a minor amendment to item 6 of the protocol with the inclusion of immediately. The rule would now read, “All damage shall be immediately reported to the City Clerk.”

Councilmember Jones requested clarification on rule 2 pertaining to the restriction of food and beverages except for those events sponsored by the Town. Cassingham explained that this was a standard facilities requirement. It was an issue of maintenance and the desire to properly maintain the community asset.

Council briefly discussed the regulation. They suggested that the rule be amended to permit food and beverages outside of the Council Chambers.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Jones and passed by a voice vote to approve the Protocol for the Use of the Council Chambers and Town Meeting Spaces with an amendment to rule 2 to permit food and beverages outside of the Council Chamber and rule 6 with the addition of immediately . The vote was in favor of the motion 4-1 with Mayor O’Malley voting no.

5.1.2 Underground Project Status Report

Councilmember Warshawsky deferred to Dave Ross, former Los Altos Hills Acting-City Engineer to provide a status report on the Undergrounding project. Ross reported that the revised concept plans had been sent to the utility companies and the boundary map would be submitted in approximately two weeks. He expected the preliminary composite utility drawings to be submitted by the end of July. To date, there were no issues or trends that could impact the project schedule or cost.

6. NEW BUSINESS

6.1 Proposed New Agreement Between the Town of Los Altos Hills and the Los Altos Hills/Los Altos Little League for Use of Town Owned Recreation Facilities Located on Purissima Road (Purissima Little League Fields)

Parks and Recreation Supervisor Jimmy Forbis introduced this item to Council. Forbis explained that Council had before them a proposed update of the agreement between the Town of Los Altos Hills and the Los Altos/Los Altos Hills Little League for the use of the Purissima Little League fields. The current agreement had been in effect since 1991. It renewed automatically every year unless either party provided written notice 60 days prior to the commencement of the Town’s fiscal year on July 1. Under this agreement, the Little League had priority use of the fields from January 15 through Labor Day, were

authorized to contract for maintenance services and allocate the water resource. The agreement required the Town's Parks and Recreation Department to request approval from the Little League for use of the fields.

Forbis reviewed the changes to the agreement with Council, specifically: 1) the Little League would be permitted to have priority use for all scheduled activities provided that the schedule was submitted to the Town in writing – this revision would permit the Los Altos Hill Parks and Recreation Department to schedule camps, activities and rentals when the Little League had no scheduled use; 2) the Town would assume the decision-making control over all maintenance and irrigation decisions with the Little League cost sharing one dollar for every two that the Town spends – the Town's Parks and Recreation Supervisor would be assigned to professionally manage the fields which had previously been under volunteer management; and 3) the term of the agreement would be extended to three years with an automatic three-year renewal clause. Forbis added that either party could terminate the agreement with or without cause by providing 180 day notice.

Forbis noted that the agreement was written to be flexible and address the Little Leagues need for fields and the Town's growing Parks and Recreation Department.

OPENED PUBLIC COMMENT

David Rock, Los Altos/Los Altos Hills Little League President, expressed the groups appreciation for the positive working relationship between the two entities and added that he was looking forward to a long term relationship. The Little League Board of Directors had reviewed the proposed agreement and believed it was a major improvement over the current agreement. It brought clarity to the responsibilities of the parties.

Rock read into the record a letter from Milton McColl, former Little League President, who was unable to attend the meeting. McColl thanked the Town for their diligence in defining the agreement. He believed it was an equitable agreement and would serve the community well.

Resident and Little League Parent, thanked the City Council for their efforts in achieving a positive agreement and expressed his support of the revisions.

Sandy Humphries, Fremont Road, questioned whether Council had investigate the maintenance products used on the field to ensure that they are safe for children.

CLOSED PUBLIC COMMENT

The City Council concurred that the new agreement was a good, simplified contract that delegated to the Town more control over the fields maintenance and water useage and would preserve the unique asset for the community.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to approve the new Agreement Between the Town of Los Altos Hills and the Los Altos Hills/Los Altos Little League for Use of Town Owned Recreation Facilities Located on Purissima Road (Purissima Little League Fields)

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones,
Councilmember Mordo and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

Mayor O'Malley thanked the Little League representatives who were in attendance for their support and acknowledged Council's appreciation for their efforts on the fields.

6.2 Request for Approval of Town of Los Altos Hills Draft Pathway CIP – May 2005

Director of Public Works/City Engineer Henry Louie introduced this item to the Council. He noted that the item before Council was a preliminary report that could be reprioritized in the future. Louie deferred to Engineering Consultant Dave Ross for the presentation.

Ross explained that the draft CIP was prepared by field review; meetings with the Pathways Committees; identification of problem areas; and recommendation of both improvements and new pathways. He referred to the report as a "living document" that could serve as the strategic planning guide for upgrading, improving and maintaining existing pathways and adding new paths.

Ross presented a PowerPoint presentation that identified projects to be scheduled over the next five years. The presentation included photos, descriptions, status and estimated costs for each project and possible funding sources when applicable.

Ross suggested that improvements that would address current pathway safety and operational needs should be programmed for the first year. Ross reviewed the local projects that would be scheduled for the first year at a cost of \$185,000. Separate Council approval would be requested for each project prior to construction.

Mayor Pro Tem Kerr reported that he had discussions with the VTA staff regarding the Moody Road/El Monte Road Corridor project. He noted that the project (items 28-32) was on track for funding, however, he wished to clarify that it was expected that approximately \$200,000 of the \$825,000 would be available at this time. Kerr noted that the local match was 20%. He requested consideration of the Foothill College Path, Segment 2 (#29) as a FY2005-2006 project.

Council concurred to prioritize projects with VTA funding that was available.

OPENED PUBLIC COMMENT

Bob Stutz, Pathways Committee, provided a historical retrospective of the Foothill College Path. He believed the improvements to this path were critical for the safety of pedestrians and equestrians.

CLOSED PUBLIC COMMENT

Councilmember Dean Warshawsky, Council Liaison to the Pathways Committee detailed the efforts of the Committee to develop the path projects for the CIP program. He noted that field visits, safety concerns, cost, and feasibility were all integral to the selection of the projects. The Committee was in concurrence with the projects selected for FY2005-2006. The process proved to be instrumental in developing a good working relationship between staff and the Committee.

Council discussion ensued regarding Foothill College and their possible participation in the path project. Dave Ross explained that he had met with College representatives and they had been very amenable to the project and agreed to not pave a segment of their parking lot to provide room for an asphalt bike path and pedestrian path.

Mayor Pro Tem Kerr suggested that the Draft Pathway CIP-2005 be modified to clarify the projected timing of the El Monte/Moody Road Corridor VTA projects and returned to Council at their next meeting for consideration.

Council concurred.

Director of Public Works/City Engineer Henry Louie suggested that the VTA CIP projects be kept as a group. This would enable the Town to determine where to allocate the funding as it became available and not limit it to specific projects. He offered that it would be cost effective to use the initial allocation for the design engineering of the El Monte Road/Moody Road project.

Mayor Pro Tem Kerr reiterated that he would like the VTA funding for 2005-2006 applied to the Foothill College Road-segment 2 (#29).

Council directed staff to return to Council at their next meeting with the revised-prioritized project list for the Pathways CIP-2005.

Mayor O'Malley requested a status of the Byrne Preserve bridge repairs. City Manager Cassingham responded that she was currently working with the Director of Public Works/City Engineer to deploy the Town's public works crew for in-house maintenance to the Town's entrances and Byrne Preserve. She would return to Council with a status report at the next meeting.

Councilmember Jones requested an update on the identification and status of obstructed paths. City Manager Cassingham clarified that the Town's Code Enforcement Officer and Planning Department had reviewed the issue of paths that had been identified as encumbered or blocked by gates and worked to bring them into compliance. Planning Director Cahill explained that obstructed paths were addressed when brought to the attention of staff.

Staff was directed to return to Council with an update on the fenced or landscaped paths.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to approve Resolution No. 50-05 adopting the Town of Los Altos Hills CIP 2005.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones,
Councilmember Mordo and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND
COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Warshawsky reported that in recent discussions with Santa Clara Valley Water District Board Member Greg Zlotnik, he had offered that the District might be able to assist with funding for a demonstration garden at Town Hall provided it was designed with drought tolerant landscaping.

Councilmember Warshawsky noted that he and Councilmember Jean Mordo had discussions with a Cingular Wireless representative regarding cellular tower installations in the Town. The representative had suggested that it would be helpful to have information on possible locations. Planning Director Carl Cahill explained that the Town had a priority list of potential sites that was included in the Town's Wireless Communications policy and would make it readily available.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Consideration of an Ad-Hoc Committee to Review City Council Planning Goals – Councilmember Mordo

Councilmember Mordo explained that in consideration of staff's busy schedule he was proposing that an Ad-Hoc Committee composed of two Councilmembers and two Planning Commissioners be established to perform the preliminary investigate work on high priority planning issues including the definition of "highly visible lots" and fencing. Mordo noted that the Committee would seek out ordinances from similar cities to review their approach to the issues. He suggested that it would be helpful to hire a consultant to assist in the process. Mordo offered that once the initial review was completed, the findings and recommendations would continue through the normal process of Public Hearings, Planning Commission review and City Council consideration.

Councilmember Warshawsky volunteered to serve on the Committee.

Planning Director Carl Cahill noted that a similar approach was employed during the Housing Element update and it proved to be very successful. He suggested that it would be helpful to engage architects and design professionals in the process to garner their comments on the best way to approach the issue of “highly visible lots”.

Council briefly discussed the formation of the Committee. The Committee would be tasked to first review the definition of “highly visible lots” and second, to address the fence ordinance.

City Manager Cassingham explained that the additional Planning issues identified by Council at their Goal Setting Session would be pursued through the normal staff process and brought back to Council.

Staff was directed to invite members of the Planning Commission to apply for appointment to the Committee. Appointments would be considered by Council at their next meeting in July.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to create an Ad-Hoc Committee to address Planning Goals of the Council, specifically; the highly visible lot definition and the fencing ordinance. Councilmember Mordo and Councilmember Warshawsky would serve as Council representatives to the Committee and two Planning Commissioners would be appointed by the Council at a future meeting. The Committee would have a not-to-exceed budget of \$10,000.

9.2 Debriefing of Councilmembers and Staff on the Sequence of Communications between the Town of Los Altos Hills and Palo Alto Regarding the Arastradero Traffic Lights – Councilmember Mordo

Councilmember Mordo explained that he had initiated this item to garner an understanding of the communications that had transpired regarding the Mayfield Development Agreement since January, 2005 when the initial email was received from a resident regarding the Arastradero traffic lights to date and what options were available to Council going forward.

City Manager Cassingham offered to prepare a chronology of events and return to Council with the information at the next Council meeting.

Council briefly discussed the Palo Alto City Council final hearing on the Mayfield Development Agreement. It was noted that the Palo Alto Council offered to work with the Town to find ways to mitigate the traffic. Mordo noted his concern that the Palo Alto Council was now obligated to install the traffic signals as mitigation to the project when the traffic reached a prescribed level. He suggested that Council work closely with Palo Alto to seek solutions to limit the traffic before it reached the point where the lights were required.

City Manager Cassingham acknowledged that she had spoken with Palo Alto City Manager Frank Benest and they had agreed to meet next week to review the project. She noted that it was worth exploring the options with the staffs from both cities.

OPENED PUBLIC COMMENT

Jitzie Couperus, Old Page Mill Road, suggested that traffic could be mitigated by “calming”. This could be achieved by installing additional traffic signs or “roundabouts”.

Kim Cranston, Fremont Road, explained that residents are very concerned about the impact of the proposed traffic lights on Arastradero. He distributed to Council a chronology of project noticing and contacts with the Town that was prepared by the Palo Alto staff. Cranston advised Council that the time period for filing any legal action was less than a week after Council’s next meeting and encouraged Council to explore all of their options.

Colette Cranston, Fremont Road, requested that Council not move forward with any “calming” or other traffic mitigations before consulting residents in the impacted neighborhoods.

Dot Schreiner, Saddle Mountain Road, commented that she believed the traffic study from Hillview to Interstate 280 conducted for the Mayfield Development Project was inadequate. She suggested that Council consider reviewing that area and investigate the following options for traffic control: 1) reduce the speed to 25 miles per hour; 2) explore the installation of a speed table; and 3) consider locating a stop sign on Stirrup Way.

CLOSED PUBLIC COMMENT

Council directed the City Attorney to perform a cursory review of the City Council’s legal options. City Attorney Steve Mattas explained that staff had confirmed that the Notice of Determination was filed by Palo Alto on May 25, 2005. This action started the thirty day statute of limitations.

Councilmember Jones suggested that it would be beneficial to ensure that the Town was notified when the traffic factors had reached the level that triggered the installation of the traffic signals. He noted that an Ad-Hoc Council Committee with two representatives from each Council and interested residents might be advantageous in keeping the Town well informed on the issue.

Councilmember Mordo requested a map identifying which section of Arastradero was controlled by Los Altos Hills be included with the chronology.

10. PRESENTATIONS FROM THE FLOOR

Dot Schreiner, Saddle Mountain Drive, requested clarification on agenda item 9.2. She suggested that the public should be permitted to comment during the discussion.

Frank Lloyd, Brendel Drive, questioned if the newly adopted facilities protocol meant that he could not enjoy his mocha during the Finance and Investment Committee meetings.

Council clarified that the rule did not pertain to Town sponsored events.

Stan Mok, Chapin Road, suggested that it would be appropriate to amend the facilities protocol to permit food and beverages be served by non-profit organizations using the facility but to charge a cleaning deposit.

Sandy Humphries, Fremont Road, reported that the drainage basin in front of Town Hall was not draining.

11. PUBLIC HEARINGS

11.1 Consideration of Proposed Fiscal Year 2005-2006 Operating and Capital Improvement Budget

Administrative Services Director Sarah Joiner introduced this item to Council. She explained that the draft budget that was before Council was the version that was presented to the Finance and Investment Committee at its meeting on May 16, 2005 and at the joint study session of the Committee and City Council on May 19, 2005.

In the draft budget, revenues for all funds exceeded the operating expenditures by \$555,000. Staff had proposed Capital Improvement Projects (CIP) in the amount of \$1.5 million. Joiner noted that \$945,000 of the reserves would be used to augment the operating surplus of \$555,000 to fund the level of CIP and any appropriations for projects or capital improvements in addition to what had been included in the draft budget would be funded from reserves.

Joiner reported that revenues budgeted for all Funds for fiscal year 2004-2006 were \$7.6 million, a decrease of \$2.5 million compared to the amended budget for fiscal year 2004-2005. One-time revenue sources that included: the lease financing proceeds, California Energy Loan proceeds, energy rebates and the Packard Foundation Grant for 2004-2005 accounted for the difference. The total operating expenditures for the General Fund were projected to be \$3.75 million, an increase of \$111,000 or 3% over the prior year.

Joiner explained that property taxes accounted for 45% of the General Fund revenue. Development-related revenues that include permits, licenses and fees for service accounted for a combined total of 26%. She clarified that the development fees were set at a rate that would recover the cost for providing the service.

Joiner noted that based on discussions at the joint study session and subsequent developments, staff had proposed several amendments to the draft budget for Council consideration. She reviewed the amendments with Council that included: 1) Council review of requests for funding for community service organizations-copies of letters of request for funding were included as Attachment 1 in the staff report; 2) staff recommended the appropriation balance that remained in fiscal year 2004-2005 for

pathway capital improvements be carried over to fiscal year 2005-2006 as an additional funding source for projects identified in the 2005 Pathway CIP program; 3) only one year of debt service should be budgeted and transferred to the Debt Service Fund rather than the two years budgeted in the draft; 4) landscaping of the parking lot and orchard area for the new Town Hall in the amount of \$60,000 for fiscal years 2005-2006 and 2006-2007 be added to the budget; 5) Employee compensation study for \$50,000; and 6) \$1,000 budget funded for the Exhibit Curator.

Joiner reviewed the items that had not been included in the proposed budget and noted that they could be addressed by means of a mid-year budget adjustment when projects were better identified and funding sources known. These included: 1) Moody Road Corridor project; 2) regular maintenance for Westwind Barn (50% of the funding request was included in the budget); 3) consultant services for the Open Space Committee and funds for future projects (\$15,000 was appropriated in the Planning Department's budget for a pathway environmental consultant); 4) full funding request by the Los Altos Hills Horsemen's Association for ring maintenance (expenditure was included in the Playing Fields/Town Riding Ring budget); and 5) no projects that had been suggested for Park Bond funding were included.

Joiner concluded her presentation by acknowledging that she was available to answer Council questions and take direction on the funding items as presented.

Council thanked Administrative Services Director Sarah Joiner for her excellent report and response to the Council requests that had transpired in the numerous budget discussions. Council acknowledged Accountant/Office Manager Cindy Higby for her efforts on the budget.

Councilmember Warshawsky offered that the City Council had spent numerous hours reviewing the proposed budget, including sessions with the Finance and Investment Committee, the Town's auditor and at the Council's Goal Setting Session and he was comfortable with the final draft budget.

Councilmember Jones requested clarification on the proposed appropriation of \$50,000 for an employee compensation study. Joiner explained that Councilmember Mordo had requested the study in response to the new accounting pronouncement from the Government Accounting Standards Board which would require governmental agencies to begin booking post retirement benefits similar to private industry accounting. The new requirement would not become effective for several years and would not affect the Town's liability. Joiner noted that the Finance and Investment Committee were also interested in a study but there was no consensus on the associated costs.

Mayor O'Malley explained that the study would also include a review of all employee benefits and compensation package.

Jones acknowledged that most of the information had been gathered by staff and with the information that could be acquired from surrounding communities, the study could possibly be completed in house. Jones added that the fiscal health of the Town was good and the finances were in the "black".

Mayor O'Malley proposed that \$5,000 be appropriated to the Los Altos Hills Horseman's Association for the Town Ring. He cited the recent community support and volunteerism of the group as a basis for his request. Joiner noted that if approved it would be added to the Community Grants.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to amend the budget to include \$5,000 for the Los Altos Hills Horseman's Association for maintenance and miscellaneous improvements for the Town Ring.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones,
Councilmember Mordo and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

OPENED PUBLIC HEARING

Frank Lloyd, Finance and Investment Committee, commented that the Committee had considered the salary and benefits study but were unable to reach a consensus on the budget. He hoped that the study cost would be considerably lower than the estimate and suggested that the Town "team" with a neighboring city to share the cost.

CLOSED PUBLIC HEARING

Councilmember Warshawsky noted a recent article in the Town Crier that had purported that the Town received income from development fees. He clarified that the Town does not make money on fees but simply recovers its cost for services.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and past by the following roll call vote to approve the Fiscal Year 2005-2006 Operating and Capital Improvement Budget as amended.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones,
Councilmember Mordo and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

11.2 General Plan Amendment to Change the Land Use Diagram Designation of the Bullis/Purissima Elementary School Site from Elementary to Public School; APN: 175-23-013

Planning Director Carl Cahill introduced this item to Council. He provided a brief summary of his staff report noting that the Planning Commission had reviewed and recommended with a 4-1 vote that the Council adopt the proposed General Plan diagram. Specifically, the General Plan land use diagram currently notes the site at 25890 Fremont Road as an "Elementary School" while the General Plan text references the Bullis-Purissima Elementary School in context with other public schools under the auspices of

the Los Altos Elementary School District. The proposed change involves the addition of the word "Public". The site would be designated "Public Elementary School". The proposal did not broaden or narrow the permitted or conditional uses for the site. Cahill noted that the amendment would help to clarify the text on the General Plan diagram and make it consistent with the language of the General Plan.

Council briefly discussed a letter that had been submitted to the Town from the Los Altos School District's legal counsel regarding the proposed amendment. Cahill explained that the Town was unique with its single zoning and land use designation with institutions requiring designation on a parcel by parcel approach.

City Attorney Steve Mattas explained that the amendment before Council for their consideration would provide an internal consistency within the General Plan and would identify the site as a "Public Elementary School" and the other sites would continue to maintain their designations as "Private Schools". Mattas added that the property, the last public school site within the Town, was a unique asset and it was within the authority of the City Council to propose and consider a General Plan amendment that affects a property of this character.

OPENED PUBLIC HEARING
CLOSED PUBLIC HEARING

City Attorney Mattas noted that staff had reviewed the letter from the Los Altos School District referenced earlier in the discussion and explained that it was his contention that the Council had the authority to proceed with the action before them and approve the General Plan amendment. He noted that if the property was ever surplus by the School District, under State law, the District would be permitted to have the property rezoned the same as properties adjacent to it.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed
by the following roll call vote to approve the General Plan Amendment to change the Land Use Diagram designation of the Bullis/Purissima Elementary School site from Elementary to Public School; APN: 175-23-013.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones,
Councilmember Mordo and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

Passed by consensus of the Council to adjourn to the Closed Session at 8:50 p.m.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL-Anticipated
Litigation (Pursuant to Government Code Section 54956.9(c)) Initiation of Litigation:
One Case

The City Council reconvened to the Regular City Council meeting 8.55 p.m.
No action was taken by the Council.

13. ADJOURNMENT

There being no further business, the Regular City Council meeting was adjourned by consensus at 8:55 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the June 2, 2005 Regular City Council meeting were approved as presented at the June 16, 2005 Special City Council meeting.